

# **Exhibit 1**

David E. Byron 7/3/2014

12

1 1971. So even though I was in a program that would  
2 have taken me through Ph.D., I saw no point to it.

3 Q. And how many -- how long did you attend the  
4 University of Florida before you dropped out?

5 A. Four years.

6 Q. So you dropped out how close to graduation?

7 A. I've been told I lack about four credits.

8 Q. Do you have copies of your transcripts from  
9 the University of Florida?

10 A. No.

11 Q. What kind of grades did you have?

12 A. B's primarily. I think it was a B average.

13 Q. Do you know what your grade point average  
14 was at the time you dropped out?

15 A. I think it was about three one, 3.1, but  
16 that's memory from 40 years ago.

17 Q. All right. And do you have any other formal  
18 education?

19 A. I attend training programs for my field, but  
20 I don't know if you would consider that formal or  
21 semi-formal.

22 Q. Like continuing education --

23 A. That's correct.

24 Q. -- for, like, certain certifications or --

25 A. That's correct.

David E. Byron 7/3/2014

60

1 start thinking about it.

2 Q. And when you say reverse engineering,  
3 relating to what?

4 A. I solve problems for companies. For  
5 instance, when a tobacco company was having a problem  
6 on their productions for high-rate machines making  
7 cigarettes, I came up with new designs for several  
8 parts of their machines that could be able to function  
9 at production rates of up to 18,000 units per minute.

10 Q. Have your expert opinions ever been excluded  
11 by a court, to your knowledge?

12 A. To my knowledge, never.

13 Q. Have you ever not been qualified as an  
14 expert when you were proffered as an expert in any  
15 case, to your knowledge?

16 A. I have always been accepted as an expert in  
17 every single case that I have ever been retained on  
18 where that question came up.

19 Q. All right. And what is your education,  
20 experience, or training that, in your view, qualifies  
21 you as an expert on the firearms and ballistics topics  
22 that you've got on your resume?

23 A. That is a very broad cut. Basically, I have  
24 40 years' experience in this field, more than 40. To  
25 be specific, I have 44 years' experience in the field.

David E. Byron 7/3/2014

61

1 I was first licensed as a gunsmith when I  
2 turned 21, and I had been working as an apprentice  
3 before that. I have been in the firearms field my  
4 entire life, I should say my entire business life; and  
5 that experience, since there are no degrees in  
6 gunsmithing and there are no degrees in firearms  
7 technology, this field is entirely experience based.

8 Q. So no formal education in the area of these  
9 firearms topics, right?

10 A. Obliquely, yes, there is formal training  
11 because if I didn't have the math skills, the  
12 chemistry skills, the materials skills, I wouldn't  
13 have been able to do my job in the firearms field.

14 Q. You're talking about general engineering  
15 principles, right?

16 A. That's correct.

17 Q. Nothing specific to firearms, though?

18 A. There is no specific training for firearms.

19 Q. With whom did you apprentice as a gunsmith?

20 A. It was a small hardware store in  
21 Gainesville, Florida, and I worked there part time  
22 when I was a student, and I'd have to remember the  
23 name. I just don't remember it right offhand.

24 Q. Did the hardware store make guns?

25 A. No. Repaired.

David E. Byron 7/3/2014

62

1 Q. And what does a gunsmith mean?

2 A. Someone who -- in my definition, it's  
3 someone who repairs, modifies, upgrades a firearm.

4 Q. Have you ever made a gun for sale to the  
5 public?

6 A. No.

7 Q. Have you ever made a gun, period?

8 A. Yes.

9 Q. Prototype?

10 A. Prototype.

11 Q. Tell me about that.

12 A. I invented the polymer firearm. Had four  
13 patents on it. Of course, I was curious would it  
14 work. General Electric was nice enough to supply me  
15 with some raw material, which I modified and used some  
16 of the things that I had in my patent, and I went to  
17 the range and went to shoot it. That would be an  
18 example --

19 Q. Did you ever attempt to --

20 A. -- as I testified to Congress on that.

21 Q. This would have been in the 1980s?

22 A. That's correct.

23 Q. And that had to do with airport security  
24 issues?

25 A. That was a separate issue.

1 Q. Okay.

2 A. One of the things that I determined when I  
3 invented the plastic gun was the corollary that it  
4 could be used by nefarious people, and so I  
5 immediately donated to public domain my patent on how  
6 to make polymer weapons observable on machines like  
7 airport detectors of different types and I testified  
8 to Congress and also lobbied heavily for a law that  
9 would regulate firearms so that they would have to be  
10 identifiable.

11 Q. And how did you make your polymer prototype  
12 handgun identifiable by weapon detection devices?

13 A. I worked with a professor at Harvard by the  
14 name of Paul Horowitz. We came up with ten different  
15 ways to do it, and that is in the public domain,  
16 everything from adding chemicals to the polymer  
17 structure to make them look X-ray opaque to adding  
18 chips to basically make them passive generators of a  
19 signal so that they could be identified, and I caught  
20 hell from NRA about that.

21 Q. You said that the airport security issue was  
22 separate from the time you were actually referring to  
23 where you testified to Congress. So tell me --

24 A. No, no, no, no, no.

25 Q. Okay.

David E. Byron 7/3/2014

74

1 of ten feet could not be distinguished from a genuine  
2 firearm and that the teenager that was holding it was  
3 killed by a police officer because he didn't react  
4 properly. He said, "But it's a toy, officer," and the  
5 officer shot him.

6 Q. And so ---

7 A. And by the way, in that particular case the  
8 officer was at the scene of a dwelling area for a  
9 different purpose. He just came across the child who  
10 was plinking with his cousin using BB's.

11 Q. Were your opinions critical of the police  
12 officer as well as the product manufacturer?

13 A. No. Police officer did his job. There was  
14 no way he could distinguish that it wasn't a real gun.

15 Q. And did that case go to verdict?

16 A. I don't know.

17 Q. You don't know the outcome?

18 A. I don't know the outcome. I testified after  
19 the chief of police of Detroit and then we both left  
20 town.

21 Q. Have you ever been retained as an expert or  
22 even a consulting expert in a case relating to a  
23 holster?

24 A. Obliquely when I was with the Casselberry,  
25 Florida, Police Department as a range officer and

1 firearm training officer, I had to advise on holsters.  
2 So I guess you could say that that was an expert  
3 retainment of sorts.

4 Q. When was that?

5 A. That was in the 1970s.

6 Q. And you say you were retained to advise on  
7 holsters?

8 A. I said that I was the firearms training  
9 officer and range officer, and part of my duties was  
10 to advise on anything -- any equipment dealing with  
11 firearms, and holsters, of course, is an important  
12 piece of equipment for police officers.

13 Q. So as part of your job as a firearms  
14 training officer and range officer for the Casselberry  
15 Police Department in the 1970s, you would have  
16 generally had conversations with people about handguns  
17 and holsters?

18 A. Oh, yes.

19 Q. Anything specific come to mind?

20 A. Just general. I've dealt with holsters  
21 basically my entire career because it's rare to see a  
22 handgun not make it to a holster.

23 Q. Other than the general advice that you might  
24 have given as the firearms training and range officer  
25 in the 1970s, are there any other occasions where you



David E. Byron 7/3/2014

76

1 were paid to give somebody your expert opinion on a  
2 holster?

3 A. I'm taking your statement as paid meaning  
4 that I received remuneration in one way or another; am  
5 I correct on that?

6 Q. Retained.

7 A. Well, you said paid.

8 Q. Yeah.

9 A. Okay. So retail sales would have paid me a  
10 profit every time I sold a holster and handgun  
11 combination or singly. I've done that over the years  
12 countless times. I even -- in my retail store, when I  
13 had one, I even used to sell Safariland's predecessor  
14 Bianchi's holsters.

15 I've taught about the combination of  
16 handguns and holsters at Seminole Community College,  
17 now Seminole State College, when I had my course on  
18 gunsmithing there; the same thing at Santa Fe Junior  
19 College, now Santa Fe State College, when I had my  
20 course there. So those are instances where I would be  
21 paid for my knowledge about holsters.

22 Q. Okay. Tell me about what your -- the name  
23 of your resale -- retail store and where it was.

24 A. It was called D. Byron Gunsmith and it was  
25 located in Casselberry, Florida, and that was the

David E. Byron 7/3/2014

78

1 a gun store would carry and sell.

2 Q. Okay. And was that a company that was  
3 incorporated? Was it a sole proprietorship?

4 A. It was a partnership. And our primary  
5 clientele or -- even though it was the general public,  
6 most of our business came from police, and we were --  
7 we were even the repair depot for the Orlando Police  
8 Department.

9 Q. All right. So you sold new and used  
10 handguns. What other types of products did that store  
11 sell?

12 A. Reloading supplies, ammunition, holsters,  
13 accessories, cases, virtually anything that had to do  
14 with firearms for the public and primarily for law  
15 enforcement use.

16 Q. And in addition to the sale of those goods,  
17 what other business did the store do, if any?

18 A. Well, gunsmithing encompasses an awful lot.  
19 We did a lot of firearms customization. We built the  
20 sniper rifles for many police departments around here,  
21 as an example. I didn't consider that to be a  
22 manufactured firearm, for the question earlier,  
23 because I want to differentiate. That was a modified  
24 firearm.

25 Q. Okay. So you were in the business of

1 carriers for firearms. That's a totally separate  
2 issue.

3 Q. But you didn't make them, did you?

4 A. I don't know that my company didn't.

5 Q. You didn't?

6 A. I personally did not.

7 Q. So in answer to my question of were you  
8 certified in holster design, the answer is no, right?

9 A. But just to be clear, I don't know of any  
10 certification body that would certify it.

11 Q. Okay.

12 A. So even if I wanted to make and design a  
13 holster from scratch, I don't know who would certify  
14 it.

15 Q. And you've never tried to make a holster  
16 from scratch?

17 A. Yes, I have.

18 Q. Okay.

19 A. I worked with Avanti Holster, which was a  
20 small startup, in advising them on a very unusual type  
21 of shoulder holster -- and this, once again, goes back  
22 to the '70s -- that was extremely flat and made for  
23 small-frame revolvers; and unlike other shoulder  
24 holsters, it had a single elastic band that retained  
25 it in place rather than a series of either

1           A.    The NRA ones, I don't believe they expire.  
2   I don't know about the state. I'll have to look that  
3   up. But that's something I can look up.

4           Q.    You specifically, you know, mentioned that  
5   you're certified as an instructor as to different  
6   types of firearms, right?

7           A.    That's correct.

8           Q.    You mentioned that firearms go in holsters,  
9   right?

10          A.    Handguns do.

11          Q.    Is there any particular part of your  
12   training to become certified as a firearms instructor  
13   relating to holsters specifically?

14          A.    As I said, most firearms training in the  
15   United States is ad hoc. I received mine through the  
16   police departments and also as -- my experience as a  
17   gun store owner and someone who sells holsters and  
18   someone who uses them. So, I mean, experience is the  
19   primary teacher.

20          Q.    Your certification as an instructor relates  
21   to the firearms themselves, though, not to holsters,  
22   right?

23          A.    Split that off. You have the NRA  
24   certifications, which is primarily firearms.

25          Q.    Okay.

David E. Byron 7/3/2014

233

1 A. Of course.

2 Q. And particularly for a user of this holster  
3 that's in law enforcement, is it important to be able  
4 to remove and reholster the handgun without having to  
5 look down at the holster?

6 A. Yes.

7 Q. And would you agree that if your design  
8 interferes with the process of removing or  
9 reholstering the handgun that that would be a problem?

10 A. If my design would interfere, yes; but, my  
11 design won't.

12 Q. Okay. What analysis have you done to  
13 confirm that it will not?

14 A. I've thought about it. I have a very good  
15 mind for that sort of thing and, as I said, that's  
16 what I do on the manufacturing side or design side for  
17 other products.

18 Q. And do you have specifically in mind, you  
19 know, what the additional mechanism, the gear that you  
20 refer to, you know, how that would function so that  
21 when you rotate the SLS strap one direction that gear  
22 causes your proposed strap to rotate the other  
23 direction?

24 A. Yes.

25 Q. Can you describe that for me in a way

David E. Byron 7/3/2014

239

1 A. That's correct.

2 Q. Have you actually performed any calculations  
3 on those issues?

4 A. Mentally, yes.

5 Q. Okay. Other than in your head?

6 A. No. I've written nothing down.

7 Q. Okay.

8 A. However, when I had Vintage Industries, I  
9 used to quote an awful lot of tooling, and in that  
10 business if you mess up on a quotation for tooling,  
11 you've destroyed your profit margin.

12 Q. Well, have you tried to determine, you know,  
13 what materials you want to use, what they would cost,  
14 who would you -- whom you would buy them for and, you  
15 know, how much of that you would have to buy and, you  
16 know, how many units that could be used for and what  
17 the labor would be associated with it and what the  
18 cost per unit is?

19 A. That and other hidden costs, yes.

20 Q. You've done all that in your head?

21 A. In my head.

22 Q. Okay. But have you contacted anybody to --

23 A. No.

24 Q. -- determine what the cost of supplies would  
25 be?

David E. Byron 7/3/2014

41

1 A. No, it does not.

2 Q. So it's fair to say that?

3 A. Yes, it is fair to say that.

4 Q. All right. You talked earlier about Cosmi  
5 Corporation?

6 A. Yes.

7 Q. Was that a company that you did business  
8 with or that you were employed by?

9 A. Both. I started out as an independent  
10 vendor supplying them software and then they hired me  
11 as -- I had a lot of titles. Director of publishing  
12 administration, I think, was my last one.

13 Q. Okay. And your work there related to --

14 A. Software.

15 Q. -- computer software?

16 A. Software.

17 Q. Is it fair to say that the work of that  
18 company does not relate to weapon retention or  
19 holsters?

20 A. It has nothing to do with weapon retention  
21 or holsters.

22 Q. Have you worked with a company named Vintage  
23 Industries, Inc.?

24 A. Yes, I have.

25 Q. What business is that company in?

David E. Byron 7/3/2014

42

1           A.     That company was an injection molding and  
2     tool and die making company.

3           Q.     And what was your job at that company?

4           A.     Chairman and CTO.

5           Q.     And did that company make products --

6           A.     Yes, it did.

7           Q.     -- for commercial sale?

8           A.     Yes, it did.

9           Q.     And what products did it make?

10          A.     Mostly firearm-related products. Everything  
11     from grips and stocks to sights and components.

12          Q.     And any particular types of firearms?

13          A.     Everything from handguns to components for  
14     shoulder-fired missiles.

15          Q.     And is that company still in operation?

16          A.     I'm not sure.

17          Q.     Okay. Are you still associated with that  
18     company?

19          A.     No, sir.

20          Q.     When did you cease being employed by that  
21     company?

22          A.     We sold out, I think it was around 2001,  
23     2002.

24          Q.     Who did you sell to?

25          A.     I think their name was Ogle Dana Solutions



David E. Byron 7/3/2014

95

1 written test --

2 A. Yes.

3 Q. -- and some type of sign-off from another  
4 instructor?

5 A. Yes.

6 Q. Your teaching on law enforcement gunsmithing  
7 and ballistics, we already talked about that. That  
8 would have been in the 1970s, correct?

9 A. That's right.

10 Q. You've never been certified as an instructor  
11 in holster design, have you?

12 A. Only insofar as the design of the holster  
13 impacted what I was instructing.

14 Q. You're going back to the concealed weapons  
15 permit and how they fit together?

16 A. And also in general as a police firearms  
17 instructor and range officer.

18 Q. And -- but you've never been certified as an  
19 instructor in how to design a holster?

20 A. If you mean like down to the blueprints and  
21 how to make everything, there's two components to that  
22 question. One is certification. And, as I said, I  
23 don't know of any certification body. The second  
24 thing is, how to make. I had a plastic injection  
25 molding company. We can make anything, including

David E. Byron 7/3/2014

109

1           A.     Some yes, some no. I've got most of the  
2     names of the companies that have made holsters as well  
3     as a lot of other accessories for firearms. I do not  
4     have a good compendium of their product line.

5           Q.     If the information in the database related  
6     to holster manufacturers is something that we wanted  
7     to have a look at for purposes of this case only,  
8     would that be something that you would allow?

9           A.     Sure.

10          Q.     Okay.

11          A.     As long as we have some sort of agreement  
12     that it can't be published or redistributed.

13          Q.     Okay. Is there any information in that  
14     database that you have consulted or reviewed in  
15     relation to your work in this case?

16          A.     No.

17          Q.     Your resume says that you designed and  
18     manufactured component parts used in original  
19     production firearms for a number of companies, right?

20          A.     That's correct.

21          Q.     One of those is Colt. What have you  
22     designed and manufactured for Colt?

23          A.     Oh, let's see. Starting with grips, when  
24     they reissued the Detective Special, I actually did  
25     the engraving for the molds for that and also designed

David E. Byron 7/3/2014

110

1 the grip itself.

2 The sights on the revolvers, most people  
3 thought they were metal. They were actually made out  
4 of plastic. We made them. I designed those.

5 They were having a problem during the  
6 assembly of Colt firearms where the people doing the  
7 hand polishing would over-polish, and I constructed  
8 destructive jigs so that they would protect the steel  
9 part of the firearm and destroy the jig instead of  
10 harming production stuff. So I did that for their  
11 manufacturing process.

12 What else did we do for Colt? We did grips  
13 for a lot of their different model guns. We made  
14 different manufacturing setups for them similar to the  
15 polishing jigs. There are probably other things that  
16 we made for Colt.

17 Q. And which company were you working for when  
18 you did that?

19 A. Vintage.

20 Q. And all the design and manufacture of  
21 component parts for original production firearms would  
22 have been through your work for Vintage?

23 A. That's right.

24 Q. Okay.

25 A. That's where we actually made production

David E. Byron 7/3/2014

111

1 parts that went into the guns that were sold over the  
2 counter.

3 Q. Similarly, can you give me an overview of  
4 the types of parts that you designed and manufactured  
5 for Winchester?

6 A. Sure. Stocks and butt plates, grip caps.  
7 Did we do anything else for Winchester? I think we  
8 made some internal components that went into their  
9 lever-action rifle, but I have to look up -- I'd have  
10 to look that up. I -- I'm not sure if it was  
11 Winchester or one of their competitors or both, but I  
12 know that we made internal components for lever-action  
13 rifles.

14 Q. Tell me about the component parts that you  
15 designed and manufactured for Savage.

16 A. Oh, let's see. The stocks for shotguns as  
17 well as rifles, butt plates, grip caps. They had a  
18 pistol, basically a competition and hunting  
19 single-shot pistol, and I think they had a magazine  
20 version also, and that needed a very specialized kind  
21 of stock, and I helped design that as well as  
22 manufacture it. That was the primary stuff for  
23 Savage.

24 Q. All right. And what about -- same question  
25 as to Mossberg.

David E. Byron 7/3/2014

112

1           A.    Mossberg: Stocks, butt plates, grip caps.  
2    I think we also made some internal parts for their  
3    shotgun, but I'd have to go back and look.

4           Q.    Okay. What about -- same question as to  
5    Marlin.

6           A.    Same thing, but I'm not sure that we made  
7    any internal parts for them.

8           Q.    And then you say that you designed and  
9    manufactured component parts for original production  
10   firearms for other companies that are not specifically  
11   named. Would those have been the same types of parts  
12   that you've mentioned for these, the specific entities  
13   that I just asked you about?

14          A.    Similar. Like, for instance, for Smith &  
15   Wesson and then later for Charter Arms, I designed  
16   ergonomic grips that went on their firearms.

17          Q.    Okay. Have you ever published, written a  
18   published work, about --

19          A.    I'm sorry. What was that last word?

20          Q.    Work.

21          A.    Oh, work. Okay.

22          Q.    -- about holster design, how to design a  
23   holster?

24          A.    No.

25          Q.    Have you ever written a published work about

David E. Byron 7/3/2014

82

1 I'm always asked questions about safety of the  
2 equipment, which is why I jumped up and down when I  
3 found out what this person was doing with 3D printers.

4 I have a very strong feeling about making  
5 sure that things do what they're supposed to do and  
6 not do what they shouldn't do, whether it's holsters  
7 or firearms or something in between.

8 Since I've been involved in manufacturing,  
9 like for the last 30 years, to me, I look at all of  
10 the firearm accessories which have to work together  
11 and I look at it as a whole entity and I look at it  
12 also in terms of how do you make the stuff and what  
13 are better ways to make things. I know that was  
14 somewhat rounded out, but I hope it was responsive.

15 Q. Have you ever testified as an expert  
16 regarding holster design or holster warnings before  
17 this case?

18 A. No, I haven't.

19 Q. Have you ever been retained as an expert  
20 witness on the topics of holster design or holster  
21 warnings before this case?

22 A. Yes. I've had in my career a couple of  
23 cases of accidental shootings that were related to  
24 holsters and their design, and in both of those cases  
25 my determination was that the accidental shooting was

David E. Byron 7/3/2014

83

1 the fault of the user, not the holster design.

2 Q. Can you tell me as much as you can recall  
3 about these couple of accidental shootings cases?

4 A. Yes. I was called by a plaintiff attorney  
5 on one police officer that shot himself in the leg,  
6 and he -- the attorney wanted to say that it was the  
7 fault of the holster design. I looked at it and I  
8 could not determine any problem with the design, and  
9 finally in questioning the plaintiff, during my  
10 background check, I found that when he holstered the  
11 firearm, his finger was within the trigger guard, and  
12 so the holster caught the leading edge of his finger  
13 which, of course, discharged the firearm. So I found  
14 that that was a training issue and the fault of the  
15 person, not the fault of the holster.

16 Q. Before you go to the second one, can I ask  
17 you a few questions about that one?

18 A. Sure.

19 Q. Do you remember approximately when it was  
20 that you consulted on that case?

21 A. That was during 1980s.

22 Q. Do you remember what type of handgun and  
23 holster were involved?

24 A. I believe it was a Smith & Wesson revolver,  
25 and I do not remember which holster manufacturer it

David E. Byron 7/3/2014

84

1 was.

2 Q. Okay. And was that a lawsuit that was  
3 brought or were you consulted by the plaintiff's  
4 attorney to determine whether there was a basis for a  
5 lawsuit?

6 A. I was consulted to see whether there was a  
7 basis for a lawsuit.

8 Q. And your opinion was no?

9 A. That's correct.

10 Q. Do you know whether a lawsuit was ultimately  
11 brought or not?

12 A. No, I don't.

13 Q. Do you remember the name of the attorney?

14 A. No, I don't.

15 Q. Do you recall what the plaintiff's criticism  
16 of the holster was?

17 A. No, I don't. I was asked a general  
18 question, why did this accident occur and was it the  
19 fault of the holster.

20 Q. So no real criticism was articulated, to  
21 your recollection?

22 A. No.

23 Q. And your determination was that there was no  
24 defect in the holster --

25 A. That's correct.



David E. Byron 7/3/2014

85

1 Q. -- but that the user was just not following  
2 proper procedures?

3 A. That's correct.

4 Q. All right. And then you said there was one  
5 more case. You said there were a couple of accidental  
6 shootings and you talked about one of them. Can you  
7 tell me about the other that you recall?

8 A. Actually, there were two. I was thinking  
9 about it as we were talking. Another one was a police  
10 department contacted me to determine the reason that  
11 one of their officers had been shot, and I came to the  
12 same conclusion as the case that I just related.

13 There was another case in Georgia, which was  
14 also an accidental shooting, and I was asked what  
15 caused it. My recollection on that case is that the  
16 holster was at fault but it was a military surplus  
17 firearm and a military surplus holster and they were  
18 not matched; and so, when they put the firearm in the  
19 holster, the design of the holster, since it was not  
20 matched to the firearm that they put it in, caused it  
21 to discharge.

22 Q. Something about the way that they fit  
23 together caused the holster to impinge on the trigger?

24 A. That's correct. But, once again, it was not  
25 the fault of the holster, firearm, or anybody other

David E. Byron 7/3/2014

86

1 than the person that put them two -- the two items  
2 together.

3 Q. And in this Georgia case who retained you?

4 A. It was similar to the first case. An  
5 attorney called me and --

6 (Cell phone interruption.)

7 THE WITNESS: I apologize.

8 MR. KUPPENS: Let's take a break. We're off  
9 the record.

10 (Brief break.)

11 MR. KUPPENS: Back on the record.

12 BY MR. KUPPENS:

13 Q. So Mr. Byron, we were talking about the -- I  
14 think you've identified three, now, cases in which you  
15 were consulted that were related to holster design,  
16 and you've talked about the plaintiff's attorney in  
17 the 1980s who asked you to evaluate a case in which a  
18 police officer shot himself in the leg and you found  
19 no defect with the holster, correct?

20 A. That's correct.

21 Q. And then you said there was a police  
22 department that asked you why an officer shot himself  
23 and to evaluate what happened, and similarly, you  
24 found that it was user error, you found no defect with  
25 the holster?

David E. Byron 7/3/2014

87

1 A. That's correct.

2 Q. What police department was that?

3 A. I have been trying to remember. I've got to  
4 probably go back into the archive because it was about  
5 20 years ago.

6 Q. So that would have been in the '80s also?

7 A. I think it was the late '80s.

8 Q. Okay. And that was a situation where you  
9 would have just given your findings in a verbal  
10 download?

11 A. That's correct.

12 Q. No written report on that?

13 A. No.

14 Q. And then the Georgia case, who is it that  
15 you consulted with on that?

16 A. Once again, that was in the early '90s. It  
17 was an attorney who was interested in, of course,  
18 whether or not he had a suit, and my opinion also in  
19 that case was that he had no suit.

20 Q. And, to your knowledge, none of those three  
21 matters involved actual lawsuits?

22 A. That's correct.

23 Q. All right. So we started down this line of  
24 questioning with me trying to identify matters in  
25 which you have offered opinions that relate to holster

1 design or holster warnings, right?

2 A. That's right.

3 Q. And we talked about that this is the first  
4 case, this case we're here for today is the first case  
5 in which you've testified as an expert on those  
6 topics, correct?

7 A. As I'm doing right now, yes.

8 Q. And I asked you about others in which you  
9 may have been consulted, and you've identified the  
10 three cases that we just discussed, right?

11 A. That's correct.

12 Q. Are there any others that come to mind?

13 A. Not that come to mind. That doesn't mean  
14 there might not have been others, but I don't believe  
15 that there were any other items I was consulted on in  
16 a legal sense about that was significant.

17 Q. How long have you been in the business of  
18 consulting as an expert witness?

19 A. Probably about 35 years.

20 Q. And how many matters would you estimate  
21 you've worked on over that time?

22 A. Probably about 70 or 80.

23 Q. And how many times have you testified at a  
24 deposition as an expert witness, in your estimation?

25 A. This is an estimate. Probably about 35 or